

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

BASHIR NOORZAI, :

Defendant. :

**SEALED
AFFIRMATION
AND APPLICATION**

05 Cr. 19 (DC)

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George D. Turner hereby affirms under penalty of perjury that he is an Assistant United States Attorney for the Southern District of New York, and states as follows:

1. On or about April 14, 2008, a grand jury in this District returned Superseding Indictment S2 05 Cr. 19 (DC), which charged BASHIR NOORZAI (“NOORZAI”) with (i) narcotics importation conspiracy, in violation of 21 U.S.C. § 963 (Count One), and (ii) narcotics trafficking conspiracy, in violation of 21 U.S.C. § 846 (Count Two). (Dkt. 72).

2. On or about September 23, 2008, NOORZAI was convicted of Count One and Count Two after a jury trial. (Dkt. Minute Entry, Sept. 23, 2008).

3. On or about April 30, 2009, the Court sentenced NOORZAI principally to life imprisonment. (Dkt. 176).

4. NOORZAI is currently serving his sentence at FCI Cumberland in Cumberland, Maryland (“FCI Cumberland”). NOORZAI’s Bureau of Prisons (“BOP”) Register Number is 57722-054.

5. The Government respectfully seeks, based on significant foreign policy interests of the United States, an Order enabling the U.S. Marshals Service (“USMS”) to take

NOORZAI out of FCI Cumberland as early as today, September 15, 2022, or any day thereafter until September 25, 2022; to maintain custody of NOORZAI unless and until the President of the United States executes the clemency power under Article II of the U.S. Constitution with respect to NOORZAI, which the undersigned understands to be under consideration based on communications with the Office of the Deputy Attorney General of the Department of Justice; and to return NOORZAI to FCI Cumberland on or before September 25, 2022, unless the President executes the clemency power with respect to NOORZAI during the period in which the USMS has custody of NOORZAI.

WHEREFORE, the Government respectfully requests that the attached Order be issued requiring the BOP and the Warden of FCI Cumberland to allow the USMS to remove NOORZAI from FCI Cumberland on September 15, 2022, or any day thereafter until September 25, 2022. The Government further requests that in order to avoid frustrating the aforementioned foreign policy interests, and to ensure the safety and security of the USMS personnel taking custody of NOORZAI, this Affirmation and accompanying Order be maintained under seal until either 24 hours after the release of NOORZAI from USMS custody, or when NOORZAI is returned to FCI Cumberland on or before September 25, 2022, whichever occurs earlier. The Government will promptly advise the Court upon the occurrence of either event.

Dated: New York, New York
September 15, 2022

/s/ George D. Turner
George D. Turner
Assistant United States Attorney
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